

**REMARKS**

**Claims 1, 2, and 6** are rejected under 35 U.S.C. § 112, second paragraph.

**Claims 1-8** are rejected under 35 U.S.C. § 102(e) as being anticipated by Maxemchuk (U.S. Patent No. 6,782,490).

**Objections to Claims 1-8**

**Claims 1-8** have been amended to cure minor informalities and alleviate Examiner's objections. It is respectfully requested that the objections to **claims 1-8** be withdrawn.

**Rejection of Claims 1, 2, and 6 under 35 U.S.C. § 112**

**Claims 1, 2, and 6** are rejected under 35 U.S.C. § 112, second paragraph.

**Claims 1, 2, and 6** have been amended to alleviate Examiner's rejections. It is respectfully requested this ground of rejections of **claims 1, 2, and 6** be withdrawn.

**Claims 1-8 Distinguish over Cited Prior Art**

**Claims 1-8** stand rejected under 35 U.S.C. § 102(e) as being anticipated by Maxemchuk (U.S. Patent No. 6,782,490). Applicants respectfully traverse.

**Claim 1** recites among other elements: "receiving a multicast packet from the distribution server; adding quality information to the multicast packet; retransmitting the multicast packet with the added quality information via the router."

**Maxemchuk** describes multicasting from the source to the retransmit servers and repair servers by using the RTP. RTP provides timestamps and sequence numbers for the multicasted packets. The retransmit servers and repair servers use this information to determine when the packets are lost or arrive out of sequence. (Col. 7, lines 49-59). The source periodically outputs the sender report packet containing the number of packets and bytes that are sent. The retransmit servers periodically transmit RTCP receiver reports on the quality of the multicast session as received from the source. (Col. 8, lines 2-11, 24-53).

The RTCP receiver report provides the fraction of data packets from the source lost since the previous packet was sent, the cumulative number of packets lost since the beginning of reception, the statistical variance of the RTP data packet interarrival time, the delay between receiving the last packet from source and sending this reception report, etc. (Col. 8, line 62-col. 9, line 49).

Receivers are connected through the router to the repair server. (Col. 10, lines 3-6). Each repair server includes a missing packet detector that can identify the packets that have been lost from the group session and an ordered list of the retransmit servers to identify which one of them has the best copy of the session packets. The repair server estimates the number of packets that each retransmit server has missed from the session. (Col. 10, lines 22-50).

Therefore, the “quality” information is already contained in a multicast packet when source 102 sends the multicast Group\_1 out. E.g., the multicast packet contains the quality information at the stage when it is output. In contrast, claim 1 calls for adding the quality information to the multicast packet after the packet is received from the distribution server but prior to the packet being retransmitted via the router, e.g., handed over to the output stage.

Additionally, nowhere does Maxemchuk teach or suggest removing the quality information from the packets before the packets are distributed to the reception terminal.

Because Maxemchuk does not teach or suggest at least “receiving a multicast packet from the distribution server; ... retransmitting the multicast packet with the added quality information via the router; acquiring the quality information from the multicast packet ...; and distributing, to the reception terminal, the multicast packet from which the quality information is removed,” **claim 1 and dependent claims 2-5** distinguish patentably and unobviously over Maxemchuk.

**Claim 6** recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Accordingly, the arguments presented with respect to claim 1 apply with equal force here. For at least analogous exemplary reasons, therefore, **claim 6** distinguishes patentably and unobviously over Maxemchuk.

Additionally, it appears that the Examiner cites to the “repair server” for both the reception terminal proxy and the accumulation server, while these elements are recited in claim 6

as separate features. (See Office Action, page 6, lines 5-12). However, it is well settled that the double-counting of elements is not allowed to support the rejection. Accordingly, Applicants submit that Maxemchuk lacks at least one of “the reception terminal proxy” or “the accumulation server.” Absent support in Maxemchuk, the rejection is improper.

Furthermore, the Examiner generally cites to col. 10, lines 1-7 and 22-56 of Maxemchuk without pointing out which elements correspond to the “quality information acquisition unit” and the “quality information calculation/transmission unit.” (See Office Action, page 6, lines 5-10).

Accordingly, Applicants ability to provide a full and comprehensive response is curtailed. Therefore, Applicants respectfully request that the next Office Action, if one is forthcoming, be made *non-final*.

**In conclusion**, because Maxemchuk does not teach or suggest at least “a reception terminal proxy arranged between the router ... including a quality information acquisition unit ..., a quality information calculation/transmission unit ...; and an accumulation server which receives and accumulates the quality information from said reception terminal proxy,” **claim 6 and dependent claims 7-8** distinguish patentably and unobviously over Maxemchuk.

#### **New Claims**

In order to provide more varied protection, Applicants add new **claims 9 and 10**. **Claim 9** is patentable at least by virtue of its dependency and for additional features set forth therein. **Claim 10** is patentable for at least analogous exemplary reasons outlined above regarding claim 1. No new subject matter has been entered.

#### **CONCLUSION**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.


**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U.S. Appln. No.: 10/591,245**

**Attorney Docket No.: Q96626**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

CUSTOMER NUMBER

Date: March 23, 2009